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March 12, 2021

Via ECF

The Honorable Steven Tiscione
United States Magistrate Judge for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nolan v. City of New York et al., Case No. 19-cv-00187-RPK-ST

Dear Judge Tiscione:

As Your Honor is aware, this office represents Plaintiff William R. Nolan in the above-referenced action brought against Defendants, the City of New York and various individuals, for alleged violations of Plaintiff's First, Second, and Fourth Amendment rights under the Constitution of the United States, via-a-vis the Fourteenth Amendment and 42 U.S.C. § 1983. Pursuant to the Court's Minute Order dated December 30, 2020, we write now - - with the City's consent - - to update the Court on the status of proceedings.

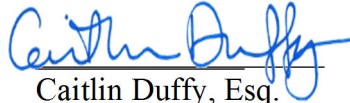
Since the parties' last status report dated February 1, 2021 (ECF 36), Plaintiff's criminal prosecution stemming from his arrests on December 20, 2018, and January 14, 2020, remains ongoing. As we previously informed the Court, the charges at issue have been substantially narrowed, with the only charges remaining from the 2018 arrest being misdemeanors - - for Plaintiff's alleged possession of two stun guns, resisting arrest, and obstruction of governmental administration - - which Mr. Nolan has moved to dismiss. The criminal court's decision is outstanding on that motion. The conference scheduled in criminal court was adjourned to April 15, 2021, at which Plaintiff anticipates the parties will discuss any outstanding issues, including whether the court intends to dismiss the misdemeanor charges.¹

¹ The parties' respective positions on the stay remain the same as stated in our prior status reports.

Additionally, on February 12, 2021, Mr. Nolan's criminal defense attorney sent the attached letter to the presiding judge in the criminal matter - - Justice Mundy - - concerning the actions of Jose Rodriguez, who is one of the complaining witnesses associated with the January 14, 2020 charges, and who Plaintiff alleges in this action he complained about similar harassment to the 121st Precinct in October 2016. Exhibit A; ECF 1 at 29-31. Subsequently, on February 24, 2021, Mr. Nolan and his defense attorney went to the 122nd Precinct to file a complaint report with the New York Police Department ("NYPD") and to present surveillance evidence regarding Mr. Rodriguez concerning the activities outlined in the February 12, 2021 letter, as well as additional allegations of threatening telephone calls and fictitious deliveries to Mr. Nolan's house. At that time, Mr. Nolan presented evidence to the 122nd Precinct, including several surveillance videos, the NYPD took his complaint, issued a "61 number," and closed the complaint without further investigation.²

We thank the Court for its attention to this matter.

Respectfully submitted,


Caitlin Duffy, Esq.
For the Firm

To: All counsel of record (*via ECF*)

² Also since the parties' last status report, due to COVID-19, Plaintiff continues to look into an alternative address to serve the subpoena on the Fraternal Order of Police that the Court authorized on August 14, 2020. Plaintiff is also still awaiting the DMV's substantive response.